

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

X

In re: JERRY MIMS,

Chapter 13

Debtor(s).

Case No.: 15-73752-LAS

NOTICE OF MOTION
TO VACATE STAY

X

SIRS:

PLEASE TAKE NOTICE that upon annexed application of JERRY MIMS, the Debtor herein, dated November 11, 2015, the undersigned will move before:

JUDGE: Honorable LOUIS SCARCELLA, Judge
UNITED STATES BANKRUPTCY COURT

COURT: 290 Federal Plaza, Room 760
Alphonse D'Amato Federal Courthouse
Central Islip, NY 11722

Date: December 8, 2015
TIME: 10:00 a.m.

RELIEF: For Order, pursuant to 11 U.S.C Sections 362 to allow Debtor to vacate stay against Creditor/Plaintiff, JEAN J. BURDEN So Debtor's can pursue dismissal of Creditor/Plaintiff's Lawsuit in New York State Supreme Court, and for further and other relief as this Court may deem just and proper.

RESPONSIVE PAPERS: Should be submitted to Court and served upon the debtor and debtor's attorney no later than (5) five days prior to the return date of this motion.

Dated: Patchogue, New York
November 11, 2015

Yours, Etc.
JERRY MIMS

by: J

JERRY M. MIMS, Debtor
130 Barton Avenue
Patchogue, NY 11772
(631) 575-1048

CLERK
U.S. BANKRUPTCY
EASTERN DISTRICT OF
NEW YORK

NOV 17 A.D. 2015
RECEIVED
X

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

X

In re: JERRY MIMS,

Chapter 13

Debtor(s).

Case No.: 15-73752-LAS

**AFFIDAVIT IN SUPPORT
OF MOTION**

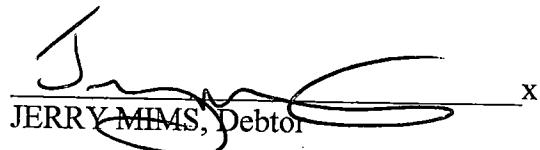
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JERRY MIMS, being duly sworn according to the law, deposes and says"

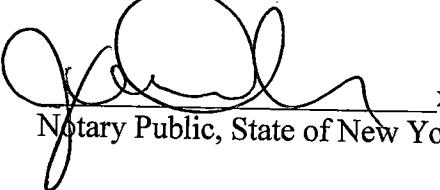
1. I am the Debtor herein.
2. I am fully familiar with the facts and circumstances of this case.
3. Creditor/Plaintiff, JEAN J. BURDEN, was a former client of my Law Offices and filed a Lawsuit against me in 2013 claiming various allegations of fraud and theft, as well as a criminal complaint with many of the same false allegations.
4. I was arrested and charged based on the false, baseless allegations of JEAN J. BURDEN and just recently, I was advised that the criminal complaint is to be dismissed.
5. I now seek to vacate the stay as against JEAN J. BURDEN and SILVER SANDS MOTEL, so I can pursue a motion to dismiss her civil case against me, as the civil is based on the same false allegations stated in the Criminal Case filed against me.
6. It has been nearly three years of defending myself against charges that should have never been filed nor a lawsuit that is without credibility.
7. Consequently, I respectfully ask this Court to vacate the stay in my Chapter 13 case to the extent that it prevents the Civil Case of JEAN J. BURDEN and SILVER SANDS MOTEL from proceeding in the Suffolk County Supreme Court.
8. There is no prejudice to any creditor in my Chapter 13 case if the stay is vacated against JEAN J. BURDEN and SILVER SANDS MOTEL.
9. The Debtor respectfully requests that the Court issue an Order vacating the Automatic Stay in herein, and for such other and further relief as this Court deems just and proper.

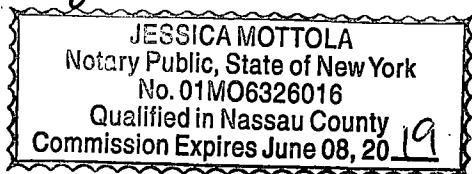
WHEREFORE, the Creditor respectfully requests that the within motion be granted in its entirety.

Dated: November 17, 2015
Patchogue, New York


JERRY MIMS, Debtor x

Sworn to before me on this
17th Day of November, 2015


Notary Public, State of New York x



UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In Re:

X

Case No. 15-73752-LAS

JERRY MIMS,

Chapter 13

Debtor,

AFFIDAVIT OF SERVICE

X

, being duly sworn, deposes and says:

1. I am over the age of eighteen years of age.
2. I reside in Suffolk County, New York and am not a party to this action.
3. On or about November , 2015, I served a copy of the Motion to Vacate Stay in Debtor's Chapter 13, upon each party listed below; by placing a copy of said Motion on Short Notice in a brown, paper wrapper addressed to the parties below and placed said envelope in a mailbox under the exclusive custody care and control of the U.S. Post Office:

Marianne DeRosa, Trustee Clerk, U.S. Bankruptcy Court
100 Jericho Quadrangle 290 Federal Plaza,
Suite 208 P.O. Box 9013
Jericho, NY 11753 Central Islip, NY 11722

Jean J. Burden Silver Sands Motel, Inc.
c/o Weber Law Group c/o Weber Law Group
290 Broadhollow Road 290 Broadhollow Road
Suite 200 Suite 200
Melville, NY 11747 Melville, NY 11747

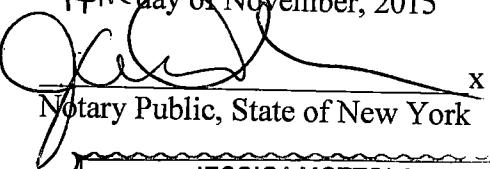
William Krolewicz
c/o Macco and Stern
135 Pinelawn Road
Suite 120 South
Melville, NY 11747

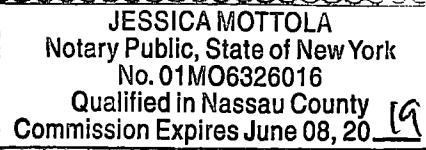
Dated: November 17 , 2015
Patchogue, NY



x

Sworn to before me on this
17th day of November, 2015


Notary Public, State of New York



United States Bankruptcy Court
Eastern District of New York

In Re

x

Case No. 15-73752-LAS

JERRY MIMS,

Chapter 13

Debtor,

MOTION TO VACATE AUTOMATIC STAY IN CHAPTER 13

JERRY M. MIMS
Debtor
130 Barton Avenue
Patchogue, New York 11772
(631) 575-1048

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U.S. BANKRUPTCY
EASTERN DISTRICT OF
NEW YORK
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